REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-24. Claims 1, 13, 16 and 19-24 are amended herein. No new matter is presented.

Thus, claims 1-24 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,760,412 (Loucks).

Loucks does not teach or suggest "selecting a delivery device having a highest of a first order of priority" and "adjusting the first order to a second order of priority of said delivery devices responsive to a dynamic determination of availability of the recipient prior to sending the message... until the recipient receives the message", as recited in claim 1 for example.

Similarly, claims 13, 16 and 19-23 also recite changing or adjusting "first order to a second order" based on "a dynamic determination of availability... prior to sending the message." Applicants respectfully submit that Loucks does not teach or suggest these features of the claimed invention.

In contrast to the dynamic determination of availability for changing the first order to a second order of priority, Loucks simply goes down a priority order list that is static and only uses a pre-designated order (see, col. 10, lines 51-62 and col. 11, lines 42-59).

Starting at page 2, the Examiner alleges that Loucks discloses that when there is a failure to send the reminder event to the device assigned the first attempt, the priority order list then adjusts to begin a second attempt with a second recipient device. In the case of Loucks, there is no dynamic determination or adjustment to the order in the list. Instead, according to Loucks, a device listed as one to be attempted second is always going to be attempted second unless the user manually changes the settings. That is, the priority list using which the reminder is sent in Loucks is static.

Loucks does not teach or suggest "selecting a device from a list of delivery destinations having a first order of devices of a recipient" and "dynamically changing the first order to a second order of the devices prior to sending the message based on a current determination of availability of the recipient and sending the message based on the second order", as recited in

8

claim 24. Instead, as mentioned above, <u>Loucks</u> only discusses manual priority order settings by the user which are static and predefined.

Assume there is a list of devices A, B and C in that order, <u>Loucks</u> would merely go to device A first, then device B and then device C each time a reminder is supposed to be sent, unless the user manually changes the order of the devices. Using the same example, the claimed invention, for example, would start off with device A, and changes or adjusts to a second order to switch to device C (not device B listed second in the first order) if a dynamic determination of availability indicates that device B is off line. <u>Loucks</u> does not have that capability.

Moreover, according to MPEP 2143.01, a proposed modification cannot render the prior art unsatisfactory for its intended purpose. Assuming, *arguendo*, that the manual change to the priority made by the user could be interpreted to correspond to "adjusting" or "changing first order to second order" as taught by the claimed invention, such a modification would render <u>Loucks</u> inoperable for its intended use as a reminder. Meaning, if the user is required to manually change the priority order settings of a reminder, there would be no reason to remind the user regarding the event since the user is already having to manually make a settings change to the event. This would defeat the asserted purpose of <u>Loucks</u> in assisting people not to miss important appointment reminders it the people are required to manually adjust event reminders so that the reminders are received by them.

It is respectfully submitted that <u>Loucks</u> does not teach or suggest each and every feature of the claimed invention.

Claims depending from the independent claims include all of the features of that claim plus additional features which are not disclosed by <u>Loucks</u>.

The dependent claims are also independently patentable. For example, as recited in claim 8, "the priority table is configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time before the current message is sent." <u>Loucks</u> does not teach or suggest these features of claim 8 since <u>Loucks</u> only discusses a time period between attempts in delivering the same reminder not a subsequent reminder (see, col. 11, lines 42-52).

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
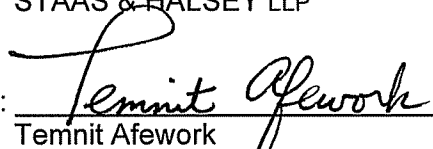
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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